

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA  
7

8 KENNETH DINKINS,  
9 Plaintiff,

10 vs.

11 GERALDINE SCHINZEL,  
12 Defendants.  
13

Case No. 2:17-cv-01089-JAD-GWF

**ORDER**


14 This matter is before the Court on Plaintiff's Motion for the Issuance of Two Subpoenas  
15 Duces Tecum (ECF No. 31), filed on August 23, 2017. Defendant filed her Response (ECF No. 35)  
16 on August 29, 2017. Plaintiff filed his Reply (ECF No. 39) on September 5, 2017.

17 Plaintiff requests an order granting the issuance of two subpoenas and represents that the  
18 Clerk's Office would not issue two subpoenas at Plaintiff's request. Defendant argues that the  
19 subpoenas are deficient pursuant to Fed. R. Civ. P. 45( c) (2), which states that a subpoena may  
20 command "production of documents, electronically stored information, or tangible things within 100  
21 miles or where the person resides, is employed, or regularly transacts business in person. . ." The 100-  
22 mile geographical limitation, however, "applies only to travel by a subpoenaed person, not to a  
23 situation where the subpoenaed records could be mailed or shipped." *Sec'y of Labor, United States*  
24 *Dep't of Labor v. Kazu Constr., LLC*, 2017 WL 628455, at \*12 (D. Haw. Feb. 15, 2017). Defendant's  
25 argument, therefore, lacks merit. Furthermore, Plaintiff, who is appearing *pro se*, is not proceeding in  
26 this case *in forma pauperis* and, therefore, does not need to obtain the Court's approval to obtain  
27 subpoenas. Accordingly,

28 . . .

**IT IS HEREBY ORDERED** that Plaintiff's Motion for the Issuance of Two Subpoenas Duces Tecum (ECF No. 31) is **denied** without prejudice. Plaintiff may again request the issuance of his two subpoenas from the Clerk's Office and may provide a copy of this Order as authority for their issuance.

DATED this 20th day of September, 2017.

  
GEORGE FOLEY, JR.  
United States Magistrate Judge